

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION**

UNITED STATES OF AMERICA)	CRIMINAL NO. 8:20-cr-00467-DCC
)	
vs.)	
)	
)	
ROGER NAVARETTE)	ELEMENTS AND PENALTIES

Essential Elements

Count 1

(Drug Trafficking Conspiracy)

For the crime of conspiracy to possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, in violation of 21 U.S.C. § 846, the United States must prove the following essential elements beyond a reasonable doubt:

- (1) There was an agreement between two or more people to possess with the intent to distribute and/or to distribute heroin;
- (2) The Defendant knew of the conspiracy;
- (3) The Defendant knowingly and voluntarily became a part of the conspiracy;
- (4) And that the Defendant either:

Personally distributed or possessed with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin; or

That it was foreseeable to the Defendant that members of the conspiracy would be distributing a quantity of a mixture or substance containing a detectable amount of heroin.

Potential Penalties

Count 1

Heroin

21 USC 841(a)(1), (b)(1)(A) - in a case involving a kilogram or more of a mixture or substance containing a detectable amount of heroin and no prior serious drug felony or serious violent felony convictions - a minimum term of imprisonment of 10 years and a maximum term of life imprisonment, no probation, no parole, a fine of \$10,000,000 and a term of supervised release of at least five (5) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(A) - in a case involving a kilogram or more of a mixture or substance containing a detectable amount of heroin and one prior serious drug felony or serious violent felony convictions - a minimum term of imprisonment of 15 years and a maximum term of life imprisonment, no probation, no parole, a fine of \$20,000,000 and a term of supervised release of at least ten (10) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(A) - in a case involving a kilogram or more of a mixture or substance containing a detectable amount of heroin and two or more prior serious drug felony or serious violent felony convictions - a minimum term of imprisonment of 25 years, no probation, no parole, a fine of \$20,000,000, a term of supervised release, if any, of at least ten (10) years, plus a special assessment of \$100.

Respectfully submitted,

M. RHETT DEHART
ACTING UNITED STATES ATTORNEY

Brandon B Hinton

Brandon B. Hinton (#13186)
Assistant United States Attorney
55 Beattie Place, Suite 700
Greenville, South Carolina 29601
(864) 282-2100

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